

U.S. Department of Justice



United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

June 14, 2022

VIA ECF

Hon. Katherine Polk Failla  
United States District Judge  
United States District Court  
40 Foley Square  
New York, New York 10007

**MEMO ENDORSED**

**Re: *Weihong Shen v. Mayorkas, et al.*, No. 22 Civ. 1176 (KPF)**

Dear Judge Failla:

This Office represents the government in this action in which the plaintiff seeks an order compelling U.S. Citizenship and Immigration Services (“USCIS”) to adjudicate a Refugee/Asylee Relative Petition (Forms I-730) and an Application to Register Permanent Residence or Adjust Status (Form I-485). The plaintiff filed the complaint on February 11, 2022, and served this Office by mail on May 27, 2022. Pursuant to Rules 12(a)(2) and 6(d) of the Federal Rules of Civil Procedure, the government’s response to the complaint is due by July 29, 2022. *See* Fed. R. Civ. P. 12(a)(2) (providing government with sixty days to respond to complaint), 6(d) (adding three days for service by mail). I write respectfully to request that the initial pretrial conference scheduled for June 21, 2022, be rescheduled for a date after the government’s response to the complaint is due, *i.e.*, during the week of August 15, 2022, or thereafter (with a corresponding extension of time for the preconference submission).<sup>1</sup>

I respectfully request this extension because this Office needs time to review the complaint and communicate with USCIS about next steps. In addition, USCIS needs time to review the Form I-730 and Form I-485 and determine next steps, which may include the issuance of a Request for Evidence, Notice of Intent to Deny or other adjudicatory action that could eventually render this matter moot. This is the government’s first request for an adjournment of the pretrial conference (and a corresponding extension of time for the preconference submission). Plaintiff consents to this request.

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<sup>1</sup> Counsel for the government will not be available from August 5, 2022, through August 12, 2022.

I thank the Court for its consideration of this letter.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney

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cc: Counsel of record (via ECF)

Application GRANTED. The initial pretrial conference scheduled for June 21, 2022, is hereby ADJOURNED to **August 16, 2022, at 10:00 a.m.** At the appointed time the parties shall call (888) 363-4749 and enter access code 5123533. Relatedly, the parties' joint pre-conference submission outlined in the notice of initial pretrial conference (Dkt. #2) shall be due on August 11, 2022.

The Clerk of Court is directed to terminate the pending motion at docket entry 6.

Dated: June 15, 2022  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE